

United States District Court
for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 14, 2025

SEAN F. MCAVOY, CLERK

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Clyde Isaac Kelly

Case Number: 0980 1:22CR02070-SAB-1

Address of Offender: [REDACTED], Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: February 15, 2023

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g), and 924(a)(2)

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| Original Sentence: | Prison - 21 months TSR - 36 months | Type of Supervision: Supervised Release |
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| Asst. U.S. Attorney: | Thomas J. Hanlon | Date Supervision Commenced: March 22, 2024 |
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| Defense Attorney: | Alex B Hernandez, III | Date Supervision Expires: March 21, 2027 |
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PETITIONING THE COURT

Please Note: This petition has been amended from the petition submitted to the Court on October 18, 2024, (ECF 48) reflecting a change to alleged violation number 1 as the defendant has been indicted in federal court, and the removal of allegation number 2 and 3, as the state has dismissed those charges.

On March 25, 2024, supervised release conditions were reviewed and signed by Mr. Kelly, acknowledging his understanding of his conditions.

The probation officer believes that the offender has violated the following condition(s) of supervision:

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| Violation Number | Nature of Noncompliance |
|------------------|-------------------------|

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| 1 | Mandatory Condition #1: You must not commit another federal, state or local crime. |
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Supporting Evidence: Mr. Clyde Isaac Kelly is considered to be in violation of his supervised release conditions by being charged with felon in possession of a firearm, on or about October 5, 2024, per indictment in docket number 1:25CR02001-SAB-1, filed on January 14, 2025.

Per Yakima Police Department incident report number 247032202, on October 5, 2024, at approximately 22:47 hours, officers responded to 1214 South 1st Avenue in the city and county of Yakima, Washington, regarding a domestic call. The reporting party, JK, told 911 that a male at this location, identified as Clyde Isaac Kelly (DOB 06-23-2000), was showing a small handgun, arguing in the living room with parents, was physical, and had broken a room door. JK also told 911 that Mr. Kelly was making threats to shoot law enforcement officers.

Prob12C

Re: Kelly, Clyde Isaac**March 14, 2025****Page 2**

From prior incidents and contacts with Mr. Kelly, officer Quinones knew he was a documented Norteno gang member with North Side Varrio (NSV). The officer also knew he had prior felony convictions and was prohibited from owning or possessing firearms.

When officers arrived, they asked dispatch to have the reporting party, JK, exit the residence if it was safe to do so. JK told 911 he was going to be exiting the residence via a bedroom window into the backyard. JK was seen walking out onto the front yard and was escorted to a patrol vehicle. Moments later, an adult female followed JK from the residence; she was identified as BK. She was identified as JK and Mr. Kelly's mother. Officer Bachmeier, who briefly spoke to JK, advised there was probable cause to arrest Mr. Kelly for fourth degree assault domestic violence. Mr. Kelly was advised via a public announcement system that he was under arrest. Mr. Kelly eventually came out of the residence after verbal commands were given to him and he was taken into custody without incident.

Officer Quinones spoke to JK, who was in the backseat of a patrol vehicle. The officer noticed JK had blood coming out of his left-hand ring finger around the finger nail. He also noticed JK had fresh scratches on his forehead. JK told the officer the injuries were from Mr. Kelly assaulting him. JK told the officer Mr. Kelly had been drinking alcohol and was being aggressive toward him. He stated this evening, when he was in the bathroom, Mr. Kelly was knocking on the door wanting to go in. JK made it known he was in the bathroom. When he stepped out, Mr. Kelly was standing at the door and told him something to the effect of, "You don't have to yell at me like a little bitch."

JK said Mr. Kelly was getting close to him with his chest pumped up, so he put his arm up to separate himself from Mr. Kelly. JK said he went into his bedroom and closed the door to get away from Mr. Kelly. JK said Mr. Kelly then started banging on his door and shortly after, he heard a loud bang at the bedroom door. He looked up and saw Mr. Kelly had punched a hole into his wood panel door. JK said this caused the door to swing open and Mr. Kelly stepped into his room.

JK said Mr. Kelly had his hands up and his fists balled up. JK stated Mr. Kelly made the statement, "You want to get down?" To which he interpreted as Mr. Kelly wanting to fight him. JK said Mr. Kelly swung at him, made contact, but he did not remember where exactly as he tried to block his punch. JK said Mr. Kelly did not stop and proceeded to punch him several more times. JK believes he sustained the injury to his finger as he tried to defend himself from Mr. Kelly.

JK said they were physically fighting for approximately 45 seconds until his mother, BK, and his father, CK, came in from outside. JK said his father and mother struggled to separate Mr. Kelly from JK. JK said Mr. Kelly was pulling on his hair as they attempted to separate them. JK stated his father took Mr. Kelly to the living room, where they were verbally arguing. JK decided to close the door and started to call 911. He did not want his brother to hear him calling, so he had to whisper. JK said when they started hearing sirens, he heard Mr. Kelly make the statements, "You better not have called the police," and "I am going to shoot at the police."

JK told officer Quinones that Mr. Kelly had not made any threats with a firearm on this date; however, he said he did have the firearm out earlier. JK said Mr. Kelly had obtained the firearm about a week prior and was keeping it within reach of him around the house. JK said Mr. Kelly usually kept the firearm on the center storage compartment of the couch in their

Prob12C

Re: Kelly, Clyde Isaac**March 14, 2025****Page 3**

living room. JK stated he has seen the firearm and knew that it was real. JK described it as a silver in color Beretta which he knew had bullets in an inserted magazine.

Officer Imbery, who spoke to JK's father, was informed that Mr. Kelly obtained the firearm about 1 to 2 weeks ago from a friend who owed him money. Officer Imbery was also told Mr. Kelly had been keeping it for protection from gangs who had issues with him. Mr. Kelly was also seen in the home manipulating the firearm and inserting bullets into it. Officer Imbery was informed by JK's father that he knew his son has a felony conviction and should not have the firearm. Officer Imbery was told by CK that he thought his wife had taken the firearm out to officers since it was not in the couch anymore.

BK came back into the residence and was asked where the firearm could be since it was no longer in the couch where it was believed to have been. BK told officer Quinones that Mr. Kelly usually sleeps in the living room, but sometimes they allow him to sleep in their bedroom. She believed if it was not in the couch, then Mr. Kelly might have placed it in their bedroom. Both BK and CK gave permission to the officers to search their bedroom for the firearm post being read Ferrier Warnings. Officer Quinones read Ferrier Warnings to BK in Spanish since she understood said language better.

Officers entered the bedroom belonging to CK and BK while they stood by watching. Moments later, officer Rodriguez advised he had found the firearm under the bed on the floor. The firearm was a 9mm Helwan Parabellum #1162373, with an inserted magazine containing eight 9mm bullets in the chamber. While officers were searching the bedroom, officer Quinones noticed the door to JK's bedroom had a hole through both wood panels (interior/exterior). The hole was approximately 8 to 10 inches big; estimated value to the door was \$300.

Mr. Kelly was transported to the police station by officer Rice, and officer Quinones followed. Officer Bachmeier completed the domestic violence forms with JK. JK was requesting a protection order, as he was worried about once Mr. Kelly was released. The officer explained to him that more than likely an order would be placed, and he could check with the courts on Monday.

At the station, officer Bachmeier asked dispatch to check the firearm serial number. Dispatch advised the firearm was reported stolen on August 28, 2016, after it was taken in a burglary, per Yakima Police Department incident number 16037845.

While completing paperwork, Mr. Kelly kept calling for an officer to the holding cell. Officer Bachmeier went to check on Mr. Kelly, and told him he would be calling for an ambulance. Officer Bachmeier said Mr. Kelly was saying he was having seizures due to alcohol. The officer then saw him go to the floor, shaking. Fire and medical arrived a short time later and Mr. Kelly was transported via ambulance to Multi-Care Hospital. Officer Bachmeier went in the ambulance to be with Mr. Kelly while getting treated.

A criminal history report showed Mr. Kelly had two prior felony convictions. Mr. Kelly had the prior convictions in February 1, 2022, for second degree manslaughter, and a felony conviction in April 12, 2018, for second degree unlawful possession of firearm.

Prob12C

Re: Kelly, Clyde Isaac**March 14, 2025****Page 4**

Based on the above stated facts, officer Quinones authored a report requesting Mr. Kelly be charged with first degree unlawful possession of firearm, fourth degree assault domestic violence, harassment domestic violence, and third degree malicious mischief domestic violence.

Officer Bachmeier transported Mr. Kelly to the Yakima County jail for booking. He tagged the firearm and ammunition as evidence.

On October 7, 2024, Mr. Kelly made a preliminary appearance in Yakima County Superior Court, case number 24-1-01507-39. He was detained on this matter and bail was set at \$50,000.

On October 9, 2024, an Information was filed charging Mr. Kelly with first degree firearm possession, fourth degree assault domestic violence, and third degree malicious mischief domestic violence. Mr. Kelly was scheduled to be arraigned on the aforementioned charges on October 21, 2024.

On January 14, 2025, Mr. Kelly was indicted in the Eastern District of Washington, for felon in possession of a firearm, a violation of 18 U.S.C. §§ 922(g)(1), and 924(a)(8).

On January 29, 2025, Mr. Kelly's state charges of first degree unlawful possession of firearm, fourth degree assault domestic violence, and third degree malicious mischief domestic violence were dismissed without prejudice.

2

Special Condition #5: You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Clyde Isaac Kelly is considered to be in violation of his supervised release conditions by consuming alcohol on or about October 5, 2024, per Yakima Police Department incident report number 247032202.

Please refer to narrative for violation number 1 above.

The U.S. Probation Office respectfully recommends the Court require the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 14, 2025

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

Prob12C

Re: Kelly, Clyde Isaac**March 14, 2025****Page 5**

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other



Signature of Judicial Officer

3/14/2025

Date